

1AP13 Rec'd PCT/PTO 08 JAN 2007

PTO/SB/21 (09-06)

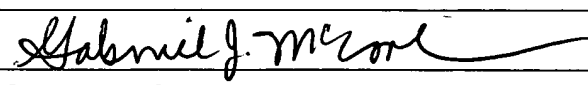
Approved for use through 03/31/2007. OMB 0651-0031

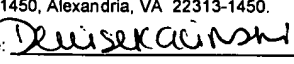
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	Application Number	10/562,241-Conf. #6078
	Filing Date	October 22, 2005
	First Named Inventor	Stefan Gotz
	Art Unit	Unkown
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	Le A 36 792

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Sequence Listing Diskette Copy of Notification of Defective Response Copy of Notification of Missing Requirements, Mailed July 10, 2006 Return Receipt Postcard
<div style="border: 1px solid black; padding: 5px; min-height: 40px;">         Remarks       </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	Gabriel J. McCool		
Date	January 8, 2007	Reg. No.	58,423

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EV855941671US, on the date shown below in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: January 8, 2007	Signature:  (Denise Kacinski)

<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b> <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2006</h3>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/562,241-Conf. #6078
		Filing Date	October 22, 2005
		First Named Inventor	Stefan Gotz
		Examiner Name	Not Yet Assigned
		Art Unit	Unknown
TOTAL AMOUNT OF PAYMENT		(\$)	1,590.00
		Attorney Docket No.	Le A 36 792

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account    Deposit Account Number: <u>04-1105</u> Deposit Account Name: <u>Edwards Angell Palmer &amp; Dodge LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
<b>Fee Description</b>						<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
_____ - 20 = _____		x _____	= _____		<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>
HP = highest number of total claims paid for, if greater than 20.							
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
_____ - 3 = _____		x _____	= _____				
HP = highest number of independent claims paid for, if greater than 3.							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
_____ - 100 = _____	/50	_____ (round up to a whole number) x	_____	= _____			
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)						<b>Fees Paid (\$)</b>	
Other (e.g., late filing surcharge): 1254 Extension for response within fourth month						1,590.00	

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	58,423
Name (Print/Type)	Gabriel J. McCool	Telephone	(203) 975-7505
		Date	January 8, 2007

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EV855941671US, on the date shown below in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: January 8, 2007	Signature:  (Denise Kacinski)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re the application of:** Golz et al.  
**Serial No.:** 10/562,241  
**Filed:** TBA  
**35 USC 371:** Based on PCT/EP04/06608, filed  
June 18, 2004  
**For:** Isolated Photoprotein Bolinopsin, and the Use  
Thereof  
**Attorney Docket No.:** Le A 36 792

**Group Art Unit:** TBA  
**Examiner:** TBA

Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATION OF EXPRESS MAIL UNDER 37 C.F.R. §1.10**

Date of Deposit: January 8, 2007

Mailing Label Number: EV855941671US

I hereby certify that this document is being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Denise Kacinski

Name of Person Mailing Paper

Denise Kacinski

Signature of Person Mailing Paper

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

Sir:

This paper is in response to the Notification of Defective Response, mailed September 8, 2006, setting a one-month period for response, i.e. up to and including October 8, 2006, and in further response to the Notification of Missing Requirements under 35 U.S.C. § 371, mailed July 10, 2006, setting a two-month time period for response, i.e. up to and including September 10, 2006. According to the Notification of Defective Response, extensions of time may be granted under 37 C.F.R. § 1.136 with respect to the time limit set for the Notification of Missing Requirements. Accordingly, a four-month extension of time is hereby requested, i.e. up to and including January 10, 2007. The Commissioner is authorized to charge the requisite fee in the amount of \$1590.00 covering the four-month extension of time, and any additionally required fee, or credit any overpayment occasioned by this submission to Deposit Account No. 04-1105.

**REMARKS**

The Notification of Defective Response requires submission of the following item(s) to complete the requirements for acceptance under 35 U.S.C. § 371:

- (1) A copy of the Sequence Listing in computer readable form in compliance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824; and
- (2) A statement as required by 37 C.F.R. §§ 1.821(f) and §1.821(g) that the Sequence Listing information recorded in computer readable form is identical to the written sequence listing and that no new matter is added by this submission.

Applicants respectfully wish to point out that the Notification of Defective Response is in error in its statement that items above were “set forth in the Notification of Missing Requirements mailed 07/10/2006.” Applicants have reviewed the Notification of Missing Requirements. The above items, now submitted, were not set forth therein.

Nevertheless, to meet the requirements of the Notification of Defective Response, the following items are submitted herewith. This submission is enclosed with or includes herewith the following:

- (1) a diskette containing a computer readable format (CRF) copy of the Sequence Listing pursuant to 37 C.F.R. §§ 1.821(e) and 1.824 (enclosed herewith), and
- (2) a statement as required by 37 C.F.R. § 1.821(f) and § 1.821(g) that the Sequence Listing information recorded in computer readable form is identical to the written sequence listing and that no new matter is added by this submission ( included below).

Statement Under 37 C.F.R. §§ 1.821(f) and 1.821(g)

The content of the computer readable format (CRF) copy of the Sequence Listing and the paper copy of the Sequence Listing already submitted in this application and which was made in accordance with 37 C.F.R. § 1.821 (c) and (e), respectively, are identical. This submission is filed in accordance with 37 C.F.R. § 1.821(g) and does not include new matter.

**CONCLUSION**

With the herewith submissions, it is now believed that the present application is in accordance with 37 C.F.R. §§ 1.821-1.825. Applicants believe that the present application is now in condition for acceptance under 35 U.S.C. § 371. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date January 8, 2007

By Gabriel J. McCool

EDWARDS ANGELL PALMER &  
DODGE LLP  
P.O. Box 55874  
Boston, MA 02205  
Telephone: 203-975-7505  
Facsimile: 203-975-7180

Gabriel J. McCool  
Agent for Applicants  
Registration No.: 58,423

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No 04-1105 for any such fees; and applicants hereby petition for any needed extension of time.
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COPY



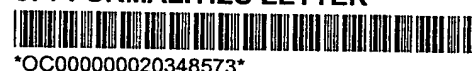
## UNITED STATES PATENT AND TRADEMARK OFFICE

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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/562,241	Stefan Golz	LeA 36 792

 35969  
 JEFFREY M. GREENMAN  
 BAYER PHARMACEUTICALS CORPORATION  
 400 MORGAN LANE  
 WEST HAVEN, CT 06516

INTERNATIONAL APPLICATION NO.	
PCT/EP04/06608	
I.A. FILING DATE	PRIORITY DATE
06/18/2004	06/23/2003

 CONFIRMATION NO. 6078  
 371 FORMALITIES LETTER


\*OC000000020348573\*

Date Mailed: 09/08/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/22/2005
- Copy of the International Search Report filed on 12/22/2005
- Oath or Declaration filed on 08/17/2006
- Biochemical Sequence Listing filed on 08/17/2006
- Request for Immediate Examination filed on 12/22/2005
- U.S. Basic National Fees filed on 12/22/2005
- Priority Documents filed on 12/22/2005
- Power of Attorney filed on 08/17/2006
- Specification filed on 12/22/2005
- Claims filed on 12/22/2005
- Abstracts filed on 12/22/2005
- Drawings filed on 12/22/2005

Applicant's response filed 08/17/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/10/2006 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this

Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,241	PCT/EP04/06608	LeA 36 792

COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 27 2006

U.S. APPLICATION NUMBER NO. 10/562,241	FIRST NAMED APPLICANT Stefan Golz	CLASS DOCKET NO. LeA 36 792
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INTERNATIONAL APPLICATION NO.

PCT/EP04/06608

I.A. FILING DATE

06/18/2004

PRIORITY DATE

06/23/2003

35969

JEFFREY M. GREENMAN  
 BAYER PHARMACEUTICALS CORPORATION  
 400 MORGAN LANE  
 WEST HAVEN, CT 06516

CONFIRMATION NO. 6078

371 FORMALITIES LETTER



©C000000019535252\*

9/10/2006  
 File missing  
 Requirements  
 Extendible 10/10/2006,  
 11/10/2006, 12/10/2006 & 1/10/2007

Date Mailed: 07/10/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/22/2005
- Copy of the International Search Report filed on 12/22/2005
- Request for Immediate Examination filed on 12/22/2005
- U.S. Basic National Fees filed on 12/22/2005
- Priority Documents filed on 12/22/2005
- Specification filed on 12/22/2005
- Claims filed on 12/22/2005
- Abstracts filed on 12/22/2005
- Drawings filed on 12/22/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:



- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,241	PCT/EP04/06608	LeA 36 792